(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 273 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Mr. S.D. Lotlikar, Senior Advocate with Mr. R.S. Sardessai, Advocate for the Petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Govt. Advocate for the Respondents.

CORAM : B.H. MARLAPALLE &
N.A. BRITTO, JJ.

DATE : 13th SEPTEMBER, 2004.

P.C.

Heard Mr. Lotlikar, the learned Senior Counsel with Mr. Sardessai for the petitioner.

2. The affidavit-in-reply filed by the Deputy Director of Administration in the Electricity Department of the Government of Goa shows that the petitioner has been granted Time Bound Promotional Scale of Rs.1200-2040 (pre-revised) with effect from 1.6.1989 vide Order

dated 30.7.2004. It is further admitted that the petitioner is entitled for salary fixed in the Fifth Pay Commission Report to the extent it is accepted by the Government of Goa as per the Order dated 31.7.1996 and the petitioner would be paid the arrears after fixing his pay scale in terms of the said Order along with the benefits of the Fourth Pay Commission's Report as well. This decision of the Government is in accordance with the decision of this Court in Writ Petition No. 37/2002.

3. Mr. Lotlikar has invited our attention to para 19 of the said affidavit-in-reply. The affidavit has denied the benefit of annual increment for the period of one year on the ground that the penalty of pay at one stage was imposed on the petitioner on 7.5.1993.

4. We are satisfied that the grievance of the petitioner has been addressed to substantially and by way of

amendment, Mr. Lotlikar sought to seek a further relief of back wages i.e. from 10.9.88 to 10.5.93. The petitioner would be at liberty to submit a representation for that specific relief which will have to be considered by the State Government as per Rules.

5. We therefore dispose of this Petition, with liberty to the petitioner to submit a fresh representation to the State Government for the relief which was sought to be placed before us by way of amendment and for reconsideration of the annual increment.

Petition is disposed of.

B.H. MARLAPALLE, J.

N. A. BRITTO, J.

sl.